

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

Cabanillas & Associates, PC
Jenee K. Ciccarelli, Esq.
120 Bloomingdale Rd., Suite 400
White Plains, NY 10605
914-385-0292

In Re:

Case No.: 16-23047 (MBK)

Orlando Lopez,

Hearing Date: September 27, 2016

Chapter: 13

Judge: Michael B. Kaplan

NOTICE OF MOTION BY DEBTOR TO EXTEND THE AUTOMATIC STAY
PURSUANT TO 11 USC §362(c)(3)(B)

The Debtor, Orlando Lopez, by and through his attorneys, Cabanillas & Associates, PC has filed papers with the court for the Court to enter an order extending the automatic stay provisions pursuant to 11 USC §362(c)(3)(B).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court the court to extend the automatic stay or if you want the court to consider your views on the motion, then on or before September 20, 2016, you or your attorney must file with the court a written request for a hearing *or, if the court requires a written response*, an answer, explaining your position at:

US Bankruptcy Court, District of New Jersey, 402 East State Street, Trenton, NJ 08608,

Courtroom #8.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Cabanillas & Associates, PC
Attn.: Jenee K. Ciccarelli, Esq.
120 Bloomingdale Rd, Suite 400
White Plains, NY 10605

Albert Russo
Chapter 13 Standing Trustee
CN 4853
Trenton, New Jersey 08650

In addition to filing papers, you must attend the hearing scheduled and to be held on September 27, 2015, at 9:00 a.m. in Courtroom #8, United States Bankruptcy Court, 402 East State Street, Trenton, New Jersey 08608.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: Union City, New Jersey
August 22, 2016

CABANILLAS & ASSOCIATES, PC

/s/ Jenee K. Ciccarelli
Jenèe K. Ciccarelli, Esq.
4100 Kennedy Blvd
Union City, New Jersey 07087

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**AFFIRMATION AND ARGUMENT IN SUPPORT OF MOTION TO EXTEND THE
AUTOMATIC STAY**

Jenèe K. Ciccarelli, Esq. an attorney duly admitted before this Court, offers the following, upon information and belief, under penalty of perjury:

1. I am an attorney with the law firm of Cabanillas & Associates, P.C., attorneys for Orlando Lopez, (the “Debtor.”). I make this Affirmation in Support of Debtor’s Motion Extending the Automatic Stay.
2. The factual statements contained herein are true and correct to the best of my knowledge. As to those statements which are alleged upon information and belief, I believe them to be true.
3. Debtor filed a voluntary Chapter 13 petition with the Clerk of this Court on April 6, 2016. The case was assigned case number 16-16617. It was the Debtor’s first bankruptcy filing.

4. The 341(a) meeting of creditors was scheduled for May 19, 2016, but not held.
5. The filing was an emergency filing to stop a foreclosure sale. The schedules were due April 18, 2016. The Debtor needed an extension of time to collect the documents to complete and file schedules. Inadvertently the request to extend time was not filed and the case was dismissed.
6. The Debtor's filed a motion to reinstate. Thereafter Debtor filed schedules and the plan. The motion was heard by the court. However, given the procedural posture, the motion was denied with the understanding that the Debtor could refile.
7. Thereafter, the Debtor did refile the instant case and now seeks an extension of the automatic stay.

ARGUMENT

8. Bankruptcy Code Section 362(c)(3)(A) terminates the provisions of the automatic stay contained in section 362(a) after 30 days where a debtor has a previously dismissed case within one year of the current filing. However, section 362(c)(3)(B) permits an interested party on motion to request an extension of the automatic stay the filing was made in good faith.
9. As outlined above, here, the Debtor's second filing was made in good faith and the failure to go forward in the first case was a result of an emergency filing. Now, the Debtor is prepared to move forward with the case.

CONCLUSION

For all the foregoing reasons, the Debtor respectfully requests that the Motion be granted, that this Court enter an Order Extending the Automatic Stay; and grant the Debtor such other and further relief as this Court deems appropriate.

Dated: Union City, New Jersey
August 22, 2016

CABANILLAS & ASSOCIATES, PC

/s/ Jenée K. Ciccarelli
Jenée K. Ciccarelli, Esq.
4100 Kennedy Blvd
Union City, New Jersey 07087